

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

VANESSA C.,
Plaintiff,

v.

KILOLO KIJAKAZI,
Defendant.

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) C.A. No. 20-cv-00363-MSM-PAS
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ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Patricia A. Sullivan (“R&R”) recommending that Plaintiff’s Motion to Reverse the Decision of the Commissioner (ECF No. 14) be DENIED and Defendant’s Motion to Affirm the Commissioner’s Decision (ECF No. 16) be GRANTED. The Plaintiff objects to the R & R, (ECF No. 19), and the Commissioner replies (ECF No. 20).

After reviewing the entire record including the motions, the R&R, the objection, and the reply, the Court accepts the R&R for the reasons stated therein. The Plaintiff’s objections to the R&R are overruled.

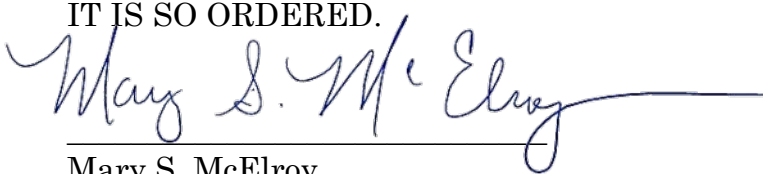
The Plaintiff’s argument that this court should remand/reverse the Commission’s decision because it was not based on substantial evidence is unsupported by the record. As the Magistrate Judge noted, the Administrative Law Judge (“ALJ”) made the credibility finding, that Plaintiff’s subjective statements about her symptoms and limitations clashed both with her activities and with the medical evidence. *See Mills v. Apfel*, 244 F.3d 1, 7 (1st Cir. 2001) (ALJ can disregard

allegations of subjective symptoms, such as pain, if the allegations are unsubstantiated and the ALJ does not credit them).

Further, the Court also accepts the Magistrate Judge's analysis of the ALJ's treatment of the Plaintiff's continued mental health treatment. The ALJ did not err in relying on state-agency opinions because pre and post review records were similar and post review records did not reflect a worsening of symptoms. "When the medical evidence postdating state-agency reviewers' reports is essentially cumulative, an administrative law judge's reliance on those reports is not error." *Preston v. Colvin*, Civil No. 2:13-CV-321-DBH, 2014 WL 5410290, at *2.

Plaintiff's Motion to Reverse and Remand the Decision of the Commissioner (ECF No. 14) is DENIED, the Defendant's Motion to Affirm the Commissioner's Decision (ECF No. 16) is GRANTED. Final Judgment shall enter in favor of the Defendant.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Mary S. McElroy", with a long horizontal flourish extending to the right.

Mary S. McElroy
United States District Judge
November 2, 2021